

Remarks

Claims 2-12, 14-21, 25-27, 33-34, 36-43, 45, 47, and 51-53 are at issue. Claims 22-24, 28-32, 34, 44-46, 48 and 50 have been cancelled. Claims 2-8, 11-12, 14, 16, 18, 21, 27, 36-43, 47 and 49 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Launey et al (5,086,385) in view of Heltmann et al (5,939,980). Claims 9-10, 20 and 26 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Launey et al in view of Heltmann et al and further in view of Joao. Claims 15, 17, 19, 25, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Launey et al. in view of Joao and further in view of Heltmann. Claims 51 & 52 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Joao in view of Launey et al. Claim 53 stands rejected under 35 USC 103 (a) as being unpatentable over Joao in view of Launey and further in view of Heltmann.

The applicants respectfully submit that Heltmann et al teach away from the present application. Heltmann teaches an alarm system in which an alarm at a first house causes a modem to call one or more neighboring houses' telephones. As a result there is no central computational resources which is described as a significant advantage of the present application, see page 2, lines 27-30 of the specification. Thus, Heltmann teaches a sort of peer-to-peer system while the present application discusses a more hierarchical system. As a result the rejection of claims 2-8, 11-12, 14, 16, 18, 21, 27, 36-43, 47, 49, 9-10, 20, 26, 15, 17, 19, 25, and 33 should be withdrawn.

Claim 2 as amended requires a continuous connectivity access line. Heltmann et al use a dial up connection. Thus claim 2 is allowable.

Claim 3 requires a data-over-voice modem. A data-over-voice modem has a data channel separate from a voice channel (See page 2, lines 15-20 of the specification). This is clearly not shown in Helmann. Claim 3 is allowable.

Claims 4 & 5 requires a digital subscriber line. A digital subscriber line has a data channel separate from a voice channel (See page 2, lines 15-20 of the specification). This is clearly not shown in Helmann. Claims 4 & 5 are allowable.

Claim 6 requires an asymmetric digital subscriber line. This is clearly not shown in the prior art. Claim 6 is allowable over the prior art.

Claim 7 requires a data network. This is not shown in the prior art. Claim 7 is allowable.

Claims 8, 9, 11, 12, 14 are allowable as being dependent upon an allowable base claim.

Claim 10 requires the server be configured to be coupled with a central office. The Examiner points to Joao. Joao never discusses having a server coupled to a central office. Claim 10 is allowable.

Claim 15 requires a data-over-voice modem. A voice-over-data modem has a data channel separate from a voice channel (See page 2, lines 15-20 of the specification). This is clearly not shown in Helmann. Claim 15 is allowable.

Claim 16 requires a data-over-voice modem. A data-over-voice modem has a data channel separate from a voice channel (See page 2, lines 15-20 of the specification). This is clearly not shown in Helmann. Claim 16 is allowable.

Claims 17 & 18 require a digital subscriber line. A digital subscriber line has a data channel separate from a voice channel (See page 2, lines 15-20 of the specification). This is clearly not shown in Helmann. Claims 17 & 18 are allowable.

Claim 19 requires a plurality of first means coupled to a second means for sending a command to the first means. Joao shows a single first means and a single second means. There is a one-to-one correlation between his transmitter that sends a command and the in car/house system that implements the command. Claim 19 is allowable over the prior art.

Claims 20 & 21 are allowable for the same reasons as claim 19.

Claim 25 requires a remote home automation application coupled to a plurality of home automation controllers. Heltmann is clearly inapplicable since, he does not have a central controller coupled to a plurality of home automation controllers. Heltmann, as explained above, is more peer-to-peer system, not a hierarchical system, as clearly defined in the claim. Joao is a one-to-one system and Launey is a self contained system. Claim 25 is allowable over the prior art.

Claims 26 & 27 are allowable as being dependent upon an allowable base claim.

Claim 33 requires a first computer code coupled to a plurality of second computer codes. Heltmann is clearly inapplicable since, he does not have a central controller coupled to a plurality of home automation controllers. Heltmann, as explained above, is more peer-to-peer system, not a hierarchical system, as clearly defined in the claim. Joao is a one-to-one system and Launey is a self contained system. Claim 33 is allowable over the prior art.

Claims 36-43, 47 and 49 are allowable as being dependent upon an allowable base claim.

Claim 51 requires a plurality of home automation controllers coupled to a single home automation server. Joao shows one-to-one correspondence between the controller or transmitter 2 and the home system. Heltmann is clearly inapplicable since, he does not have a central controller coupled to a plurality of home automation controllers. Heltmann, as explained above, is more peer-to-peer system, not a hierarchical system, as clearly defined in the claim. Claim 51 is allowable over the prior art.

Claim 52 is allowable as being dependent upon an allowable base claim.

Claim 53 requires a voice channel and a data channel coupling the home controller with the server. None of the prior art systems show a voice and data channel connecting a controller and a server. Claim 53 is allowable over the prior art.

Prompt reconsideration and allowance are respectfully requested.

Respectfully submitted,

(Bennett et al.)

By Dale B. Halling
Attorney for the Applicant
Dale B. Halling
Phone: (719) 447-1990
Fax: (719) 447-0983

I hereby certify that an Amendment is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on:

10/21/03
Date

Dale B. Halling
Signature (Dale B. Halling)